



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

15 December 2015

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the combined fourth and fifth periodic reports of Croatia (CAT/C/HRV/4-5) by this Committee, at its 53rd session, held from 3 to 28 November 2014. At the end of that session, the Committee's concluding observations (CAT/C/HRV/CO/4-5) were transmitted to your Permanent Mission. In paragraph 21 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 28 November 2015, further information regarding areas of particular concern identified by the Committee in paragraphs 6(a), 10 and 18 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Croatia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Jens Modvig

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/HRV/CO/4-5)

CROATIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards against torture and ill-treatment of persons deprived of their liberty

6. The Committee welcomes the inclusion of fundamental legal safeguards against torture and ill-treatment of persons deprived of their liberty in the State party's legislation, and also welcomes the reduction of the pretrial detention period. However, the Committee expresses its concern at the State party's failure in practice to afford all persons deprived of their liberty all fundamental legal safeguards from the very outset of detention. The Committee is concerned over reports: (a) on the existing practice of summoning persons to the police station and engaging them in "informative talks" for several hours before formally declaring them criminal suspects and before allowing them to contact a lawyer; (b) that detainees do not have the right to have access to a doctor of their own choice; (c) that medical examinations of detainees have been conducted in the presence of police officers; (d) that some detainees have not been allowed to inform family members of their detention; (e) that detention on remand during pretrial proceedings appears to be the norm rather than the exception in the judicial practice of the State party's courts; (f) that individuals in pretrial detention have been detained with convicted prisoners; and (g) that individuals accused of crimes have been evaluated as posing a danger to themselves or others, transferred to different psychiatric hospitals for forensic evaluation and held for months pending evaluation (arts. 1, 4, 12, 13, 15, 16).

The State party should immediately adopt measures to ensure in law and in practice that every person deprived of his or her liberty is afforded legal safeguards against torture from the outset of detention. The State party should ensure that:

(a) All individuals deprived of their liberty: have prompt and unimpeded access to an independent lawyer of their choice; obtain, on their request, immediate access to an independent medical examination; and may contact a family member

(...)

Independent monitoring of places of deprivation of liberty

10. While the Committee welcomes the efforts of the Office of the Ombudsman, which also performs the function of a national preventive mechanism, the Committee is concerned at information it has received indicating the insufficient independent and regular monitoring of the places of deprivation of liberty. The Committee is concerned over reports of insufficient and decreasing funding for the recently established national preventive mechanism, limited human and financial resources for the Office of the Ombudsman and the lack of implementation of its recommendations (arts. 2, 11, 12, 13).

The Committee urges the State party to strengthen the independent monitoring of places of deprivation of liberty via a national preventive mechanism that effectively and regularly monitors and inspects all places of detention without prior notice, reports publicly on its findings, and raises with the authorities situations of detention conditions or conduct amounting to torture or ill-treatment. The State party should provide the necessary human and financial resources to ensure the independent and effective operation of the Office of the Ombudsman and the national preventive mechanism. The State party should also cooperate with civil society organizations to allow them to conduct independent monitoring of places of deprivation of liberty. The State party should ensure that the recommendations of the monitoring bodies are considered with respect to implementation.

(...)

Training of personnel

18. The Committee takes note of the State party's information regarding training and workshops for law enforcement, prison and other officials and medical personnel serving in the correctional system. It regrets that the State party did not provide information on gender-specific training, and notes a lack of information on how the State party assesses the effectiveness of the above training (art. 10).

The State party should provide gender-specific training to medical personnel dealing with detainees, in particular in pretrial detention facilities, on the identification of signs of torture and ill-treatment pursuant to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State party should develop and implement a methodology to assess the effectiveness and impact of its training/education on cases of torture and ill-treatment.

(...)

21. The Committee requests the State party to provide, by 28 November 2015, follow-up information in response to the Committee's recommendations relating to steps taken (a) to ensure that all individuals deprived of their liberty have prompt and unimpeded access to an independent lawyer of their choice and to an independent medical examination, and that they may contact a family member, (b) to provide for effective independent monitoring of places of deprivation of liberty by the national preventive mechanism and civil society and (c) to provide training to medical personnel dealing with detainees on the identification of signs of torture and ill-treatment, as contained in paragraphs 6 (a), 10 and 18 of the present document.

(...)
